

REMARKS

Upon entry of this amendment, claims 13-16 are pending. Claims 1-11 have been cancelled herein, without prejudice or disclaimer. Claims 12 and 17-35 have been withdrawn as directed to a non-elected invention. Claims 13-15 have been amended herein. Support for the amendments to claims 13-15 can be found throughout the specification and in the claims as-filed. Thus, no new matter has been added.

Restriction Requirement

In response to the Restriction Requirement, which was re-mailed on October 25, 2005, Applicants elect the invention of Group I, encompassing claims 1-11 and 13-16 drawn to methods for enriching and isolating a population of uncultured cells for neural stem cells. Applicants further elect stem cells of the central nervous system.

Species Elections

Selective Marker

The Examiner has required that Applicants elect a specific selective marker from subgroup (i) upon election of an invention from Groups I-IV. As noted above, Applicants have elected the invention of Group I.

In view of the above amendments, the claims as amended no longer recite "positive marker" or "negative marker." Rather, these claims now specify selection with an anti-p75 antibody optionally followed by selection with an anti-P₀ antibody. Accordingly, Applicants believe that this species election requirement is moot and should be withdrawn.

Antibody

In response to the requirement for election of a specific antibody, Applicants provisionally elect the anti-p75 antibody, with traverse. According to the Examiner, the species are deemed to lack a unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1 (*See* Office Action at p. 5). Applicants traverse and present arguments which support the examination of these species of antibodies together.

Claims 1-11 have been canceled herein. Thus, the species election requirement is moot with regard to these claims and should be withdrawn. The pending claims, as amended herein, are now directed to a single invention (*i.e.*, all the claims depend directly or indirectly from independent claim 13) and form a single general inventive concept. Accordingly, Applicants submit that the claims, as amended, possess unity of invention pursuant to 37 C.F.R. § 1.475.

MPEP § 806.04(b) states that species, while usually independent, may be related under the particular disclosure where the species are connected in design, operation, or effect under the disclosure. These recited antibodies share a similar function, and are related, as described and claimed in the instant application. Specifically both the anti-p75 and anti-P₀ antibodies can be used in accordance with the claimed methods to isolate and/or enrich for neural stem cells. Various embodiments of the invention involve contacting populations of cells with one or both of the recited monoclonal antibodies in order to isolate and/or further enrich a population of cells for the neural stem cell fraction. *See*, Specification at pages 4-7. Likewise, the specification also provides numerous examples that teach the use of the combination of monoclonal antibodies to serially enrich a population of human cells for the neural stem cell fraction. *See*, Specification, Examples 3-7. Thus, Applicants submit that the use of both antibodies in the claimed methods forms a single inventive concept.

Accordingly, Applicants regard the use of the anti-p75 antibody (alone or in combination with the P₀ antibody as part of the present invention, as described and claimed in the instant application. Moreover, under PCT Rule 13.4, Applicants are permitted to include a reasonable

number of dependent claims, which claim specific forms of the invention, even where the features of any dependent claim could be considered as constituting an invention in themselves. Consequently, for each of these reasons, Applicants submit that it is improper for the Office to require a species election between the anti-p75 and P₀ antibodies. As such, reconsideration and withdrawal of this species election requirement is respectfully requested.

Differentiated cells/ Resource for neural stem cell/Instructive factor

The Examiner has required that Applicants elect a single species from subgroups (iii-v), depending on which group Applicants elected for further examination. Specifically, subgroup (iii) corresponds to the election of Group III, whereas subgroups (iv-v) correspond to the election of Group IV. *See* Office Action at page 7.

Applicants have elected the invention of Group I. Accordingly, the remaining species election requirements with regard to subgroups (iii-v) are moot and should be withdrawn.

CONCLUSION

On the basis of the foregoing amendments, and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is invited and encouraged to contact the undersigned at the telephone number provided below.

With a one month extension of time, this response is due on or before December 27, 2005 (the date of December 25, 2005 being a Sunday and December 26, 2005 being a federal holiday). The corresponding fee for this extension also accompanies this response. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Ref. No. 17810-511 NATL (SCI-11 NATL).

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529
Christina K. Stock, Reg. No. 45,899
Charles E. Bell, Reg. No. 48,128
Attorneys for Applicants
Tel: (617) 542-6000
Fax: (617) 542-2241

Customer No. 30623